

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

23-CR-99-LJV-JJM

SIMON GOGOLACK, et al.,

Defendants.

NOTICE OF MOTION FOR A PROTECTIVE ORDER

PLEASE TAKE NOTICE that, upon an affidavit filed *ex parte* and under seal, the undersigned moves the Court for a Protective Order (attached hereto as **Exhibit A**) with respect to the disclosure of material provided as part of voluntary discovery pursuant to Rule 12 and Rule 16 of the Federal Rules of Criminal Procedure (hereinafter “**the disclosed material**”) which has been provided to counsel for the defendants, and for return of **the disclosed material** at the conclusion of the trial. The affidavit in support of this Protective Order is submitted *ex parte* because this case involves witness tampering, witness retaliation, the murder of a federal witness, and related offenses committed by individuals allegedly engaged in organized and concerted criminal activity. Pursuant to Rule 16(d)(1), “the court may permit a party to show good cause [for a protective order] by a written statement that the Court will inspect *ex parte*.” See *United States v. Amodeo*, 44 F.3d 141, 147 (2d Cir. 1995) (recognizing as interests warranting closure and sealing government’s need to protect integrity of ongoing investigations, including witness safety, and to prevent interference and

obstruction). Additional information regarding the bases for the Protective Order is set forth in the *ex parte* affidavit submitted herewith under seal.

DATED: Buffalo, New York, June 10, 2024.

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